

**FILED**  
Los Angeles Superior Court

MAR 11 2013

JOHN A. CLARKE, CLERK

BY DAWN ALEXANDER, DEPUTY

1 Michael J. Gulden (State Bar No. 243383)  
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3 12100 Wilshire Boulevard, Suite 1225  
4 Los Angeles, California 90025  
5 MGulden@GuldenLaw.com

6 Telephone: (310) 207-1120  
7 Facsimile: (888) 317-1917

8 Attorneys for Plaintiff  
9 LEON ROSBY

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

12 LEON ROSBY, an individual,

13 Plaintiffs,

14 vs.

15 CITY OF HAWTHORNE; ERIC  
16 PERAZA; SHAUN KEMP; and DOES  
17 1 through 10, inclusive,

18 Defendants.

BC 496956  
Case No. ~~BC496596~~ #28

**FIRST AMENDED COMPLAINT FOR:**

- 1) NEGLIGENCE;
- 2) VIOLATION OF CIVIL CODE § 52.1;
- 3) EXCESSIVE FORCE;
- 4) ASSAULT;
- 5) BATTERY;
- 6) FALSE IMPRISONMENT; and
- 7) INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS;

**[JURY TRIAL DEMANDED]**

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1 For his First Amended Complaint herein, Plaintiff Leon Rosby ("Plaintiff" or "Rosby")  
2 alleges as follows:

3 **THE PARTIES**

4 1. Rosby is an individual who resides in the City of Hawthorne, County of Los  
5 Angeles, California.

6 2. Defendant City of Hawthorne (the "City") is a political subdivision of the State  
7 of California located within California and is a municipality located in the County of Los  
8 Angeles, California.

9 3. Eric Peraza ("Peraza") is an individual, and is and was at all relevant times, a  
10 police officer with the Hawthorne Police Department.

11 4. Shaun Kemp ("Kemp") is an individual, and is and was at all relevant times, a  
12 police officer with the Hawthorne Police Department. (The City, Peraza and Kemp are  
13 collectively referred to herein as "Defendants.")

14 5. Plaintiff does not know the true names and capacities of DOES 1 through 10,  
15 inclusive, and Plaintiff therefore sues said Defendants by such fictitious names pursuant to  
16 Section 474 of the California Code of Civil Procedure. Plaintiff will seek leave of Court to  
17 amend this Complaint when said true names and capacities have been ascertained. Plaintiff  
18 alleged, on information and belief, that each of the Defendants designated as a Doc herein was  
19 the agent and/or alter ego of each of the remaining Defendants, or is in some manner  
20 responsible for the events and occurrences herein described, and legally and proximately  
21 caused injury and damages to Plaintiff as herein alleged.

22 **JURISDICTION AND VENUE**

23 6. This Court has jurisdiction over this lawsuit because the amount in controversy  
24 exceeds this Court's jurisdictional amount, exclusive of attorneys' fees, interest and costs.

25 7. Venue is proper in the County of Los Angeles because the transactions at issue  
26 and certain actionable events described below occurred, or were to be performed, in the County  
27 of Los Angeles, California.

28 ///

03/14/2013

**FACTS COMMON TO ALL CAUSES OF ACTION**

8. Plaintiff resides at a home located at 4079 West 136<sup>th</sup> Street, No. C, Hawthorne, California 90250 (the "Property"), along with his wife and their children.

9. On or about July 28, 2012, Mr. Rosby's wife called police during a non-violent verbal disagreement (over a misunderstanding) to try and make Mr. Rosby leave the home for the evening. Mr. Rosby agreed to leave for the evening, and Mrs. Rosby reported to the police that he was leaving and no action was needed.

10. Nevertheless, an army of officers appeared and attacked Mr. Rosby without cause or reason, including Peraza and Kemp, slamming him to the ground, and then punching and kicking him repeatedly. The officers stated while beating him that they recognized him as the "troublemaker" who had previously made a complaint about the lack of African American officers employed with the Hawthorne police department, and about a prior complaint that the Hawthorne police department had engaged in racial profiling of Plaintiff on July 29, 2011. (A true and correct copy of Plaintiff's prior complaint regarding racial profiling is attached hereto as Exhibit A.)

11. Indeed, after Plaintiff's complaint regarding the July 29, 2011 racial profiling incident, on January 13, 2012, Plaintiff received a letter from the Los Angeles County Public Defender requesting his assistance in a similar matter. (A true and correct copy of the letter from the Los Angeles County Public Defender is attached hereto as Exhibit B.)

12. The officers finally stopped beating Mr. Rosby after his wife and children ran outside screaming for them to stop. They were alerted to the beating by Mr. Rosby's cries and screams, and the helicopter circling above with a spotlight (apparently, in this case, responders improperly and insupportably decided that a helicopter and an army of police officers was an appropriate response to a non-violent verbal misunderstanding).

13. The officers then shoved Mr. Rosby into a squad car and hauled him off to jail without reason or justification. Mr. Rosby repeatedly asked officers why he was under arrest and was told to "shut up." At the station, the merciless and unprovoked beating by the officers continued relentlessly.

03/12/2013

1 14. Mr. Rosby was beaten repeatedly at the jail for no reason, and the permanent  
2 cast on his foot was cracked in the process. He was finally released without explanation, and  
3 went to the emergency room for treatment.

4 15. After the unprovoked beating and false imprisonment, Defendants sought to  
5 have Plaintiff charged with resisting arrest, even though Plaintiff at no time resisted arrest.  
6 Indeed, that charge was ultimately dismissed by the People of the State of California after the  
7 prosecutor had apparently discovered inconsistencies in Defendants' stories, and the case was  
8 dismissed pursuant to Penal Code section 1385 "in furtherance of justice." (A copy of the  
9 criminal court proceedings against Plaintiff is attached hereto as Exhibit C.)

10 16. Plaintiff continues to suffer severe mental and physical injuries as a result of the  
11 unprovoked and unjustified beating at the hands of Defendants.

12 17. Plaintiff has complied with all applicable statutory requirements. Plaintiff's  
13 claim with the City was denied without explanation.

14 **FIRST CAUSE OF ACTION**

15 **(For Negligence Against All Defendants (Gov. Code § 815.2))**

16 18. Plaintiff repeats and re-alleges each and every allegation contained in the  
17 preceding paragraphs of this Complaint, as fully set forth herein.

18 19. It was the duty of Defendants to use reasonable care and diligence in performing  
19 their duties as police officers.

20 20. Defendants breached their duties to Plaintiff by so negligently and carelessly  
21 performing their duties that they caused severe emotional and physical damage to Plaintiff and  
22 his person. Defendants failed to use ordinary care to prevent such injury to private rights.

23 21. Defendants adopted rules, plans and procedures which are palpably inadequate  
24 to properly and effectively perform the duties of the police department.

25 22. As a direct and proximate result of the negligence and carelessness of  
26 Defendants as described above, Plaintiffs suffered emotional and physical harm, and has been  
27 damaged in an amount to be proven at trial.

28 ///

**SECOND CAUSE OF ACTION**

**(For Violation of Civil Code Section 52.1 Against All Defendants (Gov. Code § 815.2))**

23. Plaintiff repeats and re-alleges each and every allegation contained in the preceding paragraphs of this Complaint, as fully set forth herein.

24. As set forth herein, Defendants interfered with Plaintiff's rights by use of intimidation and force, in violation of Civil Code Section 52.1.

25. As a direct and proximate result of the violation of Civil Code Section 52.1 by Defendants as described above, Plaintiff was seriously and permanently injured.

26. As a further direct and proximate result of the violation of Civil Code Section 52.1 by Defendants as described above, Plaintiff experienced extreme mental anguish and physical suffering, and has been damaged in an amount to be proven at trial.

27. The conduct of Defendants, as alleged herein, was deliberate, malicious and despicable and reflects a conscious and/or reckless disregard of the rights and interest of Plaintiff, thereby entitling Plaintiff to exemplary and punitive damages.

28. Plaintiff is also entitled to attorneys' fees and costs, pursuant to Civil Code Section 52.1.

**THIRD CAUSE OF ACTION**

**(For Excessive Force Against All Defendants (Gov. Code § 815.2))**

29. Plaintiff repeats and re-alleges each and every allegation contained in the preceding paragraphs of this Complaint, as fully set forth herein.

30. As set forth herein, Defendants used excessive force on Plaintiff without cause, reason or justification.

31. As a direct and proximate result of the excessive force by Defendants as described above, Plaintiff experienced, and continues to experience, extreme mental anguish and physical suffering, and has been damaged in an amount to be proven at trial.

32. The conduct of Defendants, as alleged herein, was deliberate, malicious and despicable and reflects a conscious and/or reckless disregard of the rights and interest of Plaintiff, thereby entitling Plaintiff to exemplary and punitive damages.

03/12/2013

**FOURTH CAUSE OF ACTION****(For Assault Against All Defendants (Gov. Code § 815.2))**

33. Plaintiff repeats and re-alleges each and every allegation contained in the preceding paragraphs of this Complaint, as fully set forth herein.

34. As set forth herein, Defendants violently threatened, and actually attacked, Plaintiff at his home and at the police station, and used threatening and profane language during the attack. This conduct was harmful and offensive to Plaintiff, and would be considered harmful and offensive to a reasonable person.

35. As a proximate result of Defendant's assault and battery, Plaintiff was required to and did employ physicians to examine, treat and care for him, and did incur additional medical and incidental expenses arising from Defendants' conduct.

36. As a further result of Defendants' assault and battery, Plaintiff has been permanently injured, which has affected his life and work dramatically. After the battery, Plaintiff began to experience frequent and severe headaches, unstable balance, exhaustion, dizziness, nausea and inability to focus or concentrate, among other physical injuries. Plaintiff also experienced, and continues to endure, severe emotional trauma occasioned by his injuries, including fright, nervousness, grief, anxiety, worry, depression, shock, humiliation, indignity, embarrassment and apprehension.

37. The conduct of Defendants, as alleged herein, was deliberate, malicious and despicable and reflects a conscious and/or reckless disregard of the rights and interest of Plaintiff, thereby entitling Plaintiff to exemplary and punitive damages.

**FIFTH CAUSE OF ACTION****(For Battery Against All Defendants (Gov. Code § 815.2))**

38. Plaintiff repeats and re-alleges each and every allegation contained in the preceding paragraphs of this Complaint, as fully set forth herein.

39. As set forth herein, Defendants violently threatened, and actually attacked, Plaintiff at his home and at the police station, and used threatening and profane language during

///

1 the attack. This conduct was harmful and offensive to Plaintiff, and would be considered  
2 harmful and offensive to a reasonable person.

3 40. As a proximate result of Defendant's assault and battery, Plaintiff was required  
4 to and did employ physicians to examine, treat and care for him, and did incur additional  
5 medical and incidental expenses arising from Defendants' conduct.

6 41. As a further result of Defendants' assault and battery, Plaintiff has been  
7 permanently injured, which has affected his life and work dramatically. After the battery,  
8 Plaintiff began to experience frequent and severe headaches, unstable balance, exhaustion,  
9 dizziness, nausea and inability to focus or concentrate, among other physical injuries. Plaintiff  
10 also experienced, and continues to endure, severe emotional trauma occasioned by his injuries,  
11 including fright, nervousness, grief, anxiety, worry, depression, shock, humiliation, indignity,  
12 embarrassment and apprehension.

13 42. The conduct of Defendants, as alleged herein, was deliberate, malicious and  
14 despicable and reflects a conscious and/or reckless disregard of the rights and interest of  
15 Plaintiff, thereby entitling Plaintiff to exemplary and punitive damages.

16 **SIXTH CAUSE OF ACTION**

17 **(For False Imprisonment Against All Defendants (Gov. Code § 815.2))**

18 43. Plaintiff repeats and re-alleges each and every allegation contained in the  
19 preceding paragraphs of this Complaint, as fully set forth herein.

20 44. As set forth herein, Defendants intended to cause Plaintiff emotional distress by  
21 confining him in their police vehicle and in a cell, without cause, reason or justification.  
22 Alternatively, Defendants acted with reckless disregard of the probability that Plaintiff would  
23 suffer emotional distress, knowing that Plaintiff was present when the conduct occurred.

24 45. Defendants knew or reasonably suspected that the confinement would have  
25 caused Plaintiff emotional distress. Defendants intentionally kept Plaintiff confined, unable to  
26 move, and in excruciating pain.

27 46. Plaintiff was actually confined in boundaries not of his choosing, and was aware  
28 of such confinement, which was directly caused by the conduct of Defendants.

1           47. As a result of Defendants' conduct, Plaintiff suffered severe emotional distress.  
2 Defendants' conduct was a substantial factor in causing Plaintiff's severe emotional distress.

3           48. As a proximate result of Defendants' false imprisonment, Plaintiff was required  
4 to and did employ physicians to examine, treat and care for him, and did incur additional  
5 medical and incidental expenses arising from Defendants' negligence.

6           49. As a further result of Defendants' negligence and battery, Plaintiff began to  
7 experience frequent and severe headaches, unstable balance, exhaustion, dizziness, nausea and  
8 inability to focus or concentrate, among other physical injuries. Plaintiff also experienced, and  
9 continues to endure, severe emotional trauma occasioned by her injuries, including fright,  
10 nervousness, grief, anxiety, worry, depression, shock, humiliation, indignity, embarrassment  
11 and apprehension.

12           50. The wrongful conduct of Defendants was committed intentionally, maliciously,  
13 wantonly, oppressively, and fraudulently with a conscious disregard of Plaintiff's rights and  
14 with intent to vex, injure, punish, and annoy Plaintiff so as to cause the injuries sustained by  
15 Plaintiff, which acts amounted to oppressions, fraud, and malice, as described in California  
16 Civil Code section 3294. Plaintiff is therefore entitled to punitive and/or exemplary damages in  
17 an amount sufficient to punish and make an example of Defendants.

18                           **SEVENTH CAUSE OF ACTION**

19                           **(For Intentional Infliction of Emotional**

20                           **Distress Against All Defendants (Gov. Code § 815.2))**

21           51. Plaintiff repeats and re-alleges each and every allegation contained in the  
22 preceding paragraphs of this Complaint, as fully set forth herein.

23           52. As set forth herein, Defendant violently attacked Plaintiff, and used threatening  
24 and profane language during the attack. This conduct was harmful and offensive to Plaintiff,  
25 and would be considered harmful and offensive to a reasonable person.

26           53. Defendants' conduct was outrageous. By their conduct, Defendants intended to  
27 cause Plaintiff emotional distress. Defendants acted with reckless disregard of the probability  
28



1 that Plaintiff would suffer emotional distress, knowing that Plaintiff was present when the  
2 conduct occurred.

3 54. As a proximate result of Defendants' conduct, Plaintiff was required to and did  
4 employ physicians to examine, treat and care for him, and did incur additional medical and  
5 incidental expenses arising from Defendants' intentional infliction of emotional distress. As a  
6 further result of Defendants' intentional infliction of emotional distress, Plaintiff has been  
7 permanently injured, which has affected his life and work dramatically. After the battery,  
8 Plaintiff began to experience frequent and severe headaches, unstable balance, exhaustion,  
9 dizziness, nausea and inability to focus or concentrate, among other physical injuries. Plaintiff  
10 also experienced, and continues to endure, severe emotional trauma occasioned by his injuries,  
11 including fright, nervousness, grief, anxiety, worry, depression, shock, humiliation, indignity,  
12 embarrassment and apprehension.

13 55. The conduct of Defendants, as alleged herein, was deliberate, malicious and  
14 despicable and reflects a conscious and/or reckless disregard of the rights and interest of  
15 Plaintiff, thereby entitling Plaintiff to exemplary and punitive damages.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiffs pray for judgment against Defendants, and each of them, as  
18 follows:

19 **ON THE FIRST CAUSE OF ACTION**

- 20 1. For compensatory damages, according to proof at trial;  
21 2. For emotional distress damages, according to proof at trial;  
22 3. For pre-judgment interest, according to proof; and  
23 4. Such other relief as this Court may deem just and proper.

24 **ON THE SECOND CAUSE OF ACTION**

- 25 1. For compensatory damages, according to proof at trial;  
26 2. For emotional distress damages, according to proof at trial;  
27 3. For punitive damages, according to proof at trial;  
28 4. For pre-judgment interest, according to proof;

03/13/2013

5. For costs of suit incurred herein, including attorneys' fees; and
6. Such other relief as this Court may deem just and proper.

**ON THE THIRD CAUSE OF ACTION**

1. For compensatory damages, according to proof at trial;
2. For emotional distress damages, according to proof at trial;
3. For punitive damages, according to proof at trial;
4. For pre-judgment interest, according to proof;
5. For costs of suit incurred herein, including attorneys' fees; and
6. Such other relief as this Court may deem just and proper.

**ON THE FOURTH CAUSE OF ACTION**

1. For compensatory damages, according to proof at trial;
2. For emotional distress damages, according to proof at trial;
3. For punitive damages, according to proof at trial;
4. For pre-judgment interest, according to proof;
5. For costs of suit incurred herein, including attorneys' fees; and
6. Such other relief as this Court may deem just and proper.

**ON THE FIFTH CAUSE OF ACTION**

1. For compensatory damages, according to proof at trial;
2. For emotional distress damages, according to proof at trial;
3. For punitive damages, according to proof at trial;
4. For pre-judgment interest, according to proof;
5. For costs of suit incurred herein, including attorneys' fees; and
6. Such other relief as this Court may deem just and proper.

**ON THE SIXTH CAUSE OF ACTION**

1. For compensatory damages, according to proof at trial;
2. For emotional distress damages, according to proof at trial;
3. For punitive damages, according to proof at trial;
4. For pre-judgment interest, according to proof;

- 1 5. For costs of suit incurred herein, including attorneys' fees; and  
2 6. Such other relief as this Court may deem just and proper.

3 **ON THE SEVENTH CAUSE OF ACTION**


- 4 1. For compensatory damages, according to proof at trial;  
5 2. For emotional distress damages, according to proof at trial;  
6 3. For punitive damages, according to proof at trial;  
7 4. For pre-judgment interest, according to proof;  
8 5. For costs of suit incurred herein, including attorneys' fees; and  
9 6. Such other relief as this Court may deem just and proper.

10 **ON ALL CAUSES OF ACTION**

- 11 1. For compensatory damages, according to proof at trial;  
12 2. For emotional distress damages, according to proof at trial;  
13 3. For punitive damages, according to proof at trial;  
14 4. For pre-judgment interest, according to proof;  
15 5. For costs of suit incurred herein, including attorneys' fees; and  
16 6. Such other relief as this Court may deem just and proper.

17  
18 Dated: March \_\_, 2013

GULDEN & ASSOCIATES, INC.

19  
20 By:   
21 Michael J. Gulden  
22 Attorneys for Plaintiff LEON ROSBY  
23  
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**EXHIBIT A**

03/09/2013 13:46:41

# HAWTHORNE POLICE DEPARTMENT PERSONNEL COMPLAINT FORM

**COMPLAINANT**

Name: ROSBY LEON C Date of Birth: \_\_\_\_\_  
Last First MI.  
Address: P.O. BOX 3293  
Phone: (h) 818 844 6088 (cell/work) 818 844-6088

**INCIDENT**

Location of Occurrence 119TH AND HAWTHORNE BL. Date: 7/29/11  
Specific Complaint: ILLEGAL POLICE STOP / RACIAL PROFILING

**INVOLVED PERSONS**

Employee(s) Subject of Complaint:

1. OFFICE MOULTON # 338
2. \_\_\_\_\_
3. \_\_\_\_\_

4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

Witness(s):

1. Name: SGT KENIS # 300 Phone: \_\_\_\_\_  
Address: \_\_\_\_\_
2. Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_
3. Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

**SUPERVISOR**

(To be filled out by Department Supervisor only)

IA Case # \_\_\_\_\_

Date/Time Received: \_\_\_\_\_

Supervisor Receiving Complaint: \_\_\_\_\_

(OVER)

3 of

Ex.A

## DETAILS OF COMPLAINT

## Instructions:

Please write legibly and be as thorough as possible. You may attach a typed copy to this form.

I BELIEVE I WAS RACIALLY PROFILED BY OFFICE MOULTON # 338. I WAS DRIVING EAST BOUND ON 119TH ST TOWARD HAWTHORNE BLVD WHEN I NOTICE SEVERAL OFFICE STANDING IN A PARK NEAR RAMONA ELEMENTRY, BETWEEN INGLEWOOD AVE AND RAMONA AVE. I WAS LOOKING AT THE OFFICER TO SEE IF IT WAS OKAY TO PASS THE PATROL CARS, SO I WOULD NOT BE A DISTRACTION AND AFTER I PASS THEM A LITTLE BIT A FLASH LIGHT WAS SHINING IN MY REAR WINDOW HINDERING MY SIGHT FROM DRIVING. ABOUT 40 SECONDS I WAS STOP AND ASK FOR MY LICENSE AND INSURANCE CARD, WHICH I ASK THE OFFICER (MOULTON # 338) WHY WAS HE STOPPING ME HE SAID SHUT-UP AND GIVE ME YOUR LICENCE. SO I ASK FOR A SUPERVISOR ON THE SCENE. OFFICER MOULTON WAS VERY AGGRESSIVE A NASTY. HE GAVE ME A TICKET FOR MY LICENSE PLATE AND A WARNING FOR MY TAGS AND MUSIC WHICH WAS NEVER LOUD!

I BELIEVE THIS WAS AN ILLEGAL STOP AND ALSO HE RACIALLY PROFILED ME, PLEASE INVESTIGATE THIS. ALSO MY TAG LIGHTS ARE WORKING PERFECTLY. I NEVER WAS OUT....

LEON ROSSBY

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**EXHIBIT B**

03/11/2013



Ronald L. Brown  
PUBLIC DEFENDER

**LAW OFFICES**  
**LOS ANGELES COUNTY PUBLIC DEFENDER**  
3655 Torrance Boulevard, Ste. 200  
Torrance, California 90503  
310-543-4300

January 13, 2012

Leon Rosby  
4928 West 119<sup>th</sup> Place, Apt. B  
Hawthorne, CA 90250

RE: Casen Gobbs  
INV # AAT-80011-12

Mr. Rosby:

The Los Angeles County Public Defender has been appointed by the court to represent Casen Gobbs, who has been charged with a criminal case now pending before the court. It has come to our attention that you were listed as a complainant against Officer Moulton of the Hawthorne Police Department sometime in the past, and you may have some information that may be important in determining the outcome of the current case. We are trying to determine what your complaint was against the officer.

Therefore, will you please contact me at (310) 543-4310 on any weekday, between the hours of 7:30 a.m. and 5:30 p.m. I'm also available after hours at (562) 208-6597. If necessary, please call collect. If I am not in, please leave a telephone number where you can be reached during the day or in the evening.

This is a very urgent matter and your cooperation will be appreciated.

Very truly yours,

*Geraldine Taylor*  
Geraldine Taylor  
Public Defender Investigator

EXB



EXHIBIT C

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

NO. 21G04261  
THE PEOPLE OF THE STATE OF CALIFORNIA VS. PAGE NO. 1  
DEFENDANT 01: LEON ROSBY CURRENT DATE 11/27/12  
LAW ENFORCEMENT AGENCY EFFECTING ARREST: HAWTHORNE POLICE DEPARTMENT

BAIL:	APPEARANCE	AMOUNT	DATE	RECEIPT OR	SURETY COMPANY	REGISTER
	DATE	OF BAIL	POSTED	BOND NO.		NUMBER
	09/10/12	\$10,000.00	08/28/12	2012BB019328	LEXINGTON NAT INS COR	

CASE FILED ON 08/29/12.  
COMPLAINT FILED, DECLARED OR SWORN TO CHARGING DEFENDANT WITH HAVING  
COMMITTED, ON OR ABOUT 07/28/12 IN THE COUNTY OF LOS ANGELES, THE FOLLOWING  
OFFENSE(S) OF:  
COUNT 01: 148(A)(1) PC MISD  
S.A.M. 08/31/12  
NEXT SCHEDULED EVENT:  
09/17/12 830 AM ARRAIGNMENT DIST INGLEWOOD COURTHOUSE DEPT 007

ON 09/17/12 AT 830 AM IN INGLEWOOD COURTHOUSE DEPT 007

CASE CALLED FOR ARRAIGNMENT  
PARTIES: SCOTT T. MILLINGTON (JUDGE) CHARLES DALOISIO (CLERK)  
ZOHRA RAHMAN (REP) THEODORE H. LAMB (CA)  
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY NINA DALY PRIVATE COUNSEL  
COURT ORDERS AND FINDINGS:  
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.  
THIS MATTER IS CALLED FOR ARRAIGNMENT AND PLEA AND COUNSEL,  
NINA DALY, IS PRESENT AND ADVISES THE COURT THAT SHE HAS NOT  
BEEN FORMALLY RETAINED, DUE TO THE DEFENDANT CURRENTLY BEING  
HOSPITALIZED AND UNCONSCIOUS.

DUE TO THE DEFENDANT'S MEDICAL CONDITION, THE COURT FINDS GOOD  
CAUSE AND ISSUES AND HOLDS A BENCH WARRANT TO 10/16/12, WHICH  
IS ALSO SET FOR FURTHER ARRAIGNMENT AND PLEA.  
NEXT SCHEDULED EVENT:  
10/16/12 830 AM BENCH WARRANT HOLD DIST INGLEWOOD COURTHOUSE DEPT 007

ON 10/16/12 AT 830 AM IN INGLEWOOD COURTHOUSE DEPT 007

CASE CALLED FOR BENCH WARRANT HOLD  
PARTIES: CMR. JOHN ROBERT JOHNSON (JUDGE) VIKKI JOHNSON (CLERK)  
ZUHAL RAHMAN FELIX (REP) DEBORAH A. WEINRAUCH (CA)  
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY NINA DALY PRIVATE  
COUNSEL  
ATTORNEY APPEARING 977A.

MATTER IS CONTINUED TO THE DATE REFLECTED BELOW.

(ENTRY BY G. SQUALLS ON 11/6/12)

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

11/06/12 830 AM ARRAIGNMENT AND PLEA DIST INGLEWOOD COURTHOUSE DEPT 007  
10/16/12 BAIL TO STAND, # 2012BB019328

EXC

CASE NO. 2IG04261  
DEF NO. 01

PAGE NO. 2  
DATE PRINTED 11/27/12

CUSTODY STATUS: BAIL TO STAND

ON 11/06/12 AT 830 AM IN INGLEWOOD COURTHOUSE DEPT 007

CASE CALLED FOR ARRAIGNMENT AND PLEA

PARTIES: CMR. JOHN ROBERT JOHNSON (JUDGE) P. OLSON (CLERK)  
ZUHAL RAHMAN FELIX (REP) DEBORAH A. WEINRAUCH (CA)

DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY NINA DALY PRIVATE COUNSEL  
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY

NINA DALY PRIVATE COUNSEL  
COUNT (01) : DISPOSITION: DISMISSAL IN FURTH OF JUSTICE PER 1385 PC  
COPY OF PROOF OF PAYMENT OF HAWTHORNE BOOKING FEE FILED.

PEOPLE ORAL MOTION TO DISMISS PURSUANT TO 1385 PENAL CODE IS  
GRANTED.

NEXT SCHEDULED EVENT:

PROCEEDINGS TERMINATED

CUSTODY STATUS: BAIL EXONERATED.

11/16/12 ARREST DISPOSITION REPORT SENT VIA FILE TRANSFER TO DEPARTMENT OF  
JUSTICE

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**PROOF OF SERVICE**  
Los Angeles Superior Court Case No. BC496596

I am over the age of 18 and not a party to the within action. My business address is 12100 Wilshire Boulevard, Suite 1225, Los Angeles, California 90025.

On March 11, 2013, I served the foregoing document described as:

**FIRST AMENDED COMPLAINT**

on the interested parties in this action by placing ☐ the original ☒ a true copy thereof enclosed in a sealed envelope addressed as follows:

Alison Stevens, Esq. City of Hawthorne 4455 West 126 <sup>th</sup> Street Hawthorne, CA 90250	
--	--

☒ MAIL – I caused such envelope to be deposited in the United States mail at Los Angeles, California, with first class postage thereon fully prepaid. I am readily familiar with the business practice for collection and processing of correspondence for mailing. Under that practice, it is deposited with the United States Postal Service on that same day, at Los Angeles, California, in the ordinary course of business. I caused such envelope to be deposited in the mail at Los Angeles, California, with first class postage thereon fully prepaid.

☐ BY PERSONAL SERVICE – ☒ I delivered by hand, or ☐ I caused to be delivered via messenger service, such envelope to the offices of the addressee with delivery time prior to 5:00 p.m. on the date indicated herein.

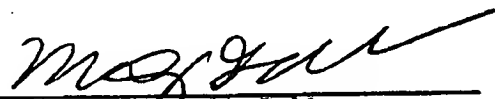
☐ BY OVERNIGHT COURIER – I caused the above-referenced document(s) to be delivered via FedEx, and overnight courier service, for delivery to the above-addressee(s).

☐ BY FACSIMILE – I caused to be transmitted by facsimile the above referenced document(s) prior to 5:00 p.m. on the date specified above.

☐ Federal – I declare that I am a member of the bar of this Court, and service was made under my direction.

☒ State – I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 11, 2013, at Los Angeles, California.

  
Michael J. Gulden

PROOF OF SERVICE